

Office of the Attorney General
State of LOUISIANA

Opinion No. 83-585
July 20, 1983

9 Civil Service Commission
71-1-1 Municipal Fire & Police Civil Service

Participation in public meeting or convention by classified employee violates statute only if participation amounts to violation of specifically enumerated prohibitions contained in statute. Classified employee may not indirectly take part in campaign for public office by belonging to organization that endorses or contributes to candidate(s) for public office. LA. R.S. 33:2504

Officer John Erie
Municipal Fire and Police Civil Service
Post Office Box 3886
Shreveport, LA 71103

Dear Officer Erie:

In your opinion request dated July 5, 1983, you requested an opinion regarding LA. R.S. 33:2504. Specifically, you asked the following questions:

- 1) Is it a violation of LA. R.S. 33:2504 for an individual to attend a political information committee convention, (such as that to be held in Baton Rouge on July 30) as a delegate or alternate delegate for a legally chartered police labor union?
- 2) Is it a violation of LA. R.S. 33:2504 for a legally chartered police labor union to make contributions to an individual who is seeking public office? And is the labor union allowed to make a public endorsement of such an individual?

The statute in question, LA. R.S. 33:2504A, reads as follows:

A. Political activities by and extending to employees of the classified service are hereby prohibited as follows:

- (1) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.
- (2) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.

(3) No employee in the classified service shall, directly or indirectly, pay, or promise to pay, any assessment, subscription, or contribution for any political organization or purpose, or solicit or take part in soliciting any such assessment, subscription, or contribution. No person shall solicit any such assessment, subscription, or contribution of any employee in classified service. The prohibitions of this Sub-section shall not be construed as applying to membership dues paid, or contributions made, to non-political employee organizations, pension funds, civic enterprises, the LOUISIANA Civil Service League or any similar non-political and non-partisan organization.

(4) No employee in the classified service shall (a) be a member of any national, state, or local committee of a political party, (b) be an officer or member of a committee of any factional, political club or organization, (c) be a candidate for nomination or election to public office, (d) make any political speech or public political statement in behalf of any candidate seeking to be elected to public office, or (e) take any part in the management or affairs of any political party or in the political campaign of any candidate for public office, except to privately express his opinion and to cast his vote. (Emphasis Supplied)

(5) No person elected to public office shall, while serving in the elective office, be appointed to or hold any position in the classified service.

(6) No appointing authority, or agent or deputy thereof, shall directly or indirectly, demote, suspend, discharge, or otherwise discipline, or threaten to demote, suspend, discharge or otherwise discipline, or discriminate against any person in the classified service for the purpose of influencing his vote, support, or other political activity in any election or primary election. No appointing authority, or agent or deputy thereof, shall use his official authority or influence, by threats, promises or other means, directly or indirectly, to coerce the political action of any employee in the classified service.

Thus, in answer to your first question, the actions of the employee must amount to a violation of the specifically designated prohibitions mentioned above to be a violation of LA. R. S. 33:2504. As Attorney General Opinion Number 74-189 states, it is not a violation of the law for members of the civil service to 'participate' in a public meeting where candidates for public office have been invited to express political opinions unless the 'participation' amounts to a violation of the specific prohibitions contained in LA. R.S. 33:2504.

In response to your second inquiry, if a member of the classified civil services belongs to an organization that endorses or contributes to a political candidate, said member would, in effect, be taking a part in the political campaign of a candidate for public office. Such participation would be

prohibited by R. S. 33:2504A(4)(e) even though the participation may be indirect rather than direct.

In conclusion, participation in a public meeting or convention by a classified civil service employee would violate LA. R.S. 33:2504 only if the participation amounted to a violation of the specifically enumerated prohibitions contained in the statute. If a member of the classified civil service belongs to an organization that endorses or contributes to the candidacy of an individual running for public office then, in effect, the member would be taking part in a political campaign and thus be in violation of R.S. 33:2504A(4)(e).

If this office can be of further assistance, please do not hesitate to contact us.

Sincerely,

William J. Guste, Jr.
Attorney General

Cynthia D. Young
Staff Attorney
La. Atty. Gen. Op. No. 83-585
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